

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IRENE RIGGS,

Plaintiff,

V.

LIFE CARE CENTERS OF AMERICA,
INC.,

Defendant.

C16-1525 TSZ

ORDER

THIS MATTER comes before the Court on plaintiff's motion, docket no. 24, for an order authorizing and directing Jan Young, an ombudsman within the meaning of 45 C.F.R. § 1324.11, to provide testimony in this matter, or in the alternative, to extend the deadline for disclosing experts. Having reviewed all papers filed in support of, and in opposition to, plaintiff's motion, the Court GRANTS the motion in part, and DENIES the motion in part, as follows:

(1) Pursuant to 42 U.S.C. § 3058i(e)(2) and 45 C.F.R. § 1324.11(e)(3)(ii)(C),
Jan Young is hereby AUTHORIZED and DIRECTED to provide deposition testimony
in this matter and to produce documents concerning the complaint of patient or resident
abuse made against plaintiff in January 2016, the investigation relating thereto, and any

1 determinations made or opinions formed regarding such complaint. The Court makes no
2 ruling concerning whether Jan Young is an expert within the meaning of Federal Rule of
3 Evidence 702 or the extent to which she will be permitted to testify at trial.

4 (2) The discovery deadline is EXTENDED to September 29, 2017, for the sole
5 purpose of taking Jan Young's deposition, if either party wishes to do so. The transcript
6 of Jan Young's deposition and all documents produced by Jan Young, the Area Agency
7 on Aging for North Idaho, or the Idaho State Ombudsman's office shall be designated as
8 confidential, and shall not be disclosed to anyone other than the attorneys in this matter or
9 the Court (by way of a sealed filing), absent further order of the Court.

10 (3) Jan Young's deposition shall be scheduled, with at least seven (7) days'
11 notice, at a time and location convenient to her, her legal representative, if any, and
12 counsel for all parties. Any written objection to the taking of the deposition by Jan
13 Young and/or the Idaho agencies involved may (but need not be) electronically filed or
14 may be mailed to the Clerk of the Court, United States District Court for the Western
15 District of Washington, 700 Stewart Street, Seattle, WA 98101, with copies provided to
16 the attorneys for both parties.

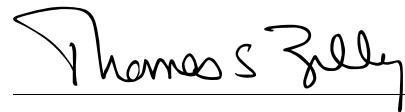
17 (4) Plaintiff's alternative request to extend the expert disclosure deadline for
18 purposes of permitting Dee Childers to be designated as an expert on the standard for
19 mental abuse and whether plaintiff's conduct in January 2016 rose to the level of mental
20 abuse is DENIED.

1 (5) The Clerk is directed to send a copy of this Order to all counsel of record.

2 Plaintiff's counsel is directed to serve a copy of this Order on Jan Young and to file proof
3 of such service within five (5) days of the date of this Order.

4 **IT IS SO ORDERED.**

5 Dated this 8th day of September, 2017.

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10 Thomas S. Zilly
11 United States District Judge
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